CITY OF TORONTO
PLANNING AND DEVELOPMENT DEPARTMENT

334/03051
Policy
February 17, 1983

To: City Council

Subject: Scarborough Transportation Corridor

Origin: City Services Committee at its meeting of February 8th, 1983 (c71cnc183013:114)

1. BACKGROUND

At its meeting of February 8th, 1983, City Services Committee had before it a communication (February 7th, 1983) from Alderman Thomas respecting the Metro Application for an OMB hearing on acquiring properties to complete the Scarborough Transportation Corridor.

The Committee decided to recommend that City Council oppose this application by:

1. Re-affirming City Council's resolution of March 31, 1976:

"Whereas there are other areas of Metropolitan Toronto that have urgent needs for suitable transit facilities,

"Therefore be it resolved that the City of Toronto oppose the spending of public funds for any further acquisition of land in the Scarborough Transportation Corridor at this time, and further be it resolved that the City of Toronto indicate to Metropolitan Toronto that it is unalterably opposed to public funds being spent for a road facility in this Corridor."

2. Affirming the view expressed in the February 14, 1978, OMB decision:

"...that until an ultimate use is determined which would eliminate any uncertainty for the Borough and adjoining City residents, and determine necessity for some specific purpose the application is premature and borrowing for the stated purpose not necessary and the application is therefore in all its parts dismissed."

The Committee also decided to request that reports as indicated below be submitted to City Council on February 21, 1983:

"1. that the City Solicitor report as to whether or not Metropolitan Council has authorized this application to the OMB and further to report on Metropolitan Toronto's authority to request such application;

2. that the Commissioner of Planning and Development report on the implications of this application and on what City Council's response should be to the application of the Metropolitan Corporation; and

3. that the Commissioner of Planning and Development also report as to the City lands around the corridor itself and suggest ways and means the City might use these lands to halt any plans to develop the corridor itself."

This report is in response to requests 2 and 3.

2. HISTORICAL BACKGROUND

2.1 Concept Development

The Scarborough Expressway as a proposed extension of the F.G. Gardiner Expressway to eventually join highway 401 in the east was included in the 1966 Metropolitan Plan. It was a part of a ring-radial system of urban expressways in the Metropolitan Toronto transportation plan of 1964, although it had been considered separately for many years previously. Approval was given by the Metropolitan Council in 1957 and the Ontario Municipal Board (Order dated August 23rd, 1957, amended order dated August 30th, 1968) for the construction of the Scarborough Expressway from Leslie Street to Highway 2A. However the Ontario Municipal Board in April 1971 ordered that no further acquisition, construction, contract or commitment regarding the Scarborough Expressway be undertaken by Metro until a further order of the Board was made on a subsequent application.

At that point further studies were undertaken by Metro, one looking at alternative alignments, and a second which was a part of the metro-wide Metropolitan Toronto Transportation Plan Review (MTTPR). The alignment study, undertaken by consultants, changed the corridor from one straddling the CN railway to a reduced corridor following the south side of the CNR R.O.W. The MTTPR eventually produced four reports on the concept.

The "Scarborough Transportation Corridor" emerged from this as a possible route for accommodating new roads and/or transit services, as might be required in the future. It sought essentially to keep the options open for the provision of transportation services as and when they might be required. However, it was noted (Report by Metropolitan Commissioner of Planning, Metropolitan Solicitor and the Metropolitan Commissioner of Property subsequently adopted by Metro Council on May 11, 1976) that the sections of the corridor within the City of Toronto parallelled the subway and that a transit facility within the corridor in these sections could clearly duplicate the subway service. Further, it pointed out that since most of the corridor in Scarborough had been purchased "it would seem prudent to at least secure the missing pieces (in the section from Victoria Park Avenue to Highway 2A) in order to complete a continuous right of way".

The decision was therefore taken by Metro to declare as surplus those properties acquired for an earlier alignment of the Scarborough Expressway within the City of Toronto which ran south on Coxwell Avenue between the CNR corridor and Lakeshore Boulevard East, and also those properties on the north side of the CNR track in the earlier alignment. Metro approved a new reduced corridor running south of the CNR tracks from Victoria Park Avenue through to Highway 2A, being wholly within the Borough of Scarborough.

The Scarborough Transportation Corridor, as later debated before the OMB, and incorporated into the draft Metroplan, was this limited concept, namely a corridor running south of the CN rail from Victoria Park Avenue east to Highway 2A and so to Highway 401.

2.2 Recent Litigation History

With the revised Scarborough Transportation Corridor, Metro Council applied to the OMB on July 19th, 1976:

> "for an order approving the acquisition of the necessary additional lands to complete the Scarborough Transportation Corridor from Victoria Park Avenue to Highway 2A, south of the C.N.R. line, at an estimated cost of $21,000,000 ..."

This was dismissed by the OMB in a ruling dated 14th February, 1978. In this decision it was stated:

> "until an ultimate use is determined (for the corridor) which would eliminate any uncertainty for the Borough and adjoining City residents, and determine necessity for some specific purpose the

application is premature and borrowing for the stated purpose not necessary ...."

Metro Council then re-applied to the OMB:

"to review its decision herein dated the 14th of February, 1978, and to give effect thereto by issuing an order pursuant to Section 235 of The Municipality of Metropolitan Toronto Act, authorizing the Municipality of Metropolitan Toronto to use the proceeds from the sale of properties acquired under the previous orders of the Board made on its Files D 8209-57 and G 6046-68, to acquire vacant lands to complete the Scarborough Transportation Corridor from Victoria Park Avenue to Highway 2A, south of the C.N.R. line."

This also was turned down by the OMB, since in the meantime, Metro had petitioned to Cabinet for either a rescinding of the previous OMB decision, or a new public hearing limited to approving authority to use the proceeds from the sale of properties acquired for the former Scarborough Expressway to acquire lands to complete the Scarborough Transportation Corridor.

In a decision dated 27th June, 1979 the Lieutenant Governor in Council by Order in Council No. O.C. 1872/79, directed that pursuant to Section 94 of the Ontario Municipal Board Act, R.S.O. 1970, Chapter 323 (now R.S.O. 1980, Chapter 347) the Ontario Municipal Board's decision dated February 14, 1978

"be the subject of a new public hearing for the purpose of reconsideration of the application by the Petitioner (i.e. The Metropolitan Corporation) for approval to use proceeds from the sale of properties acquired from the former expressway to acquire lands to complete the Scarborough Transportation Corridor."

The Metropolitan Corporation have now applied for such a hearing and a date has been set by the OMB for April 18th, 1983.

2.3 <u>City of Toronto Response</u>

City Council approved at its meeting of December 5, 1977, a report (November 28th, 1977) of the Commissioner of Planning and Development on the Scarborough Transportation Corridor, and amongst the adopted recommendations, it was stated:

"that City Council reiterate its opposition to Metro's application by endorsing the attached report and direct the City Solicitor to represent the City at the upcoming OMB hearings".

After the successful outcome of the hearing, the City of Toronto made submissions to the Lieutenant Governor in Council of the Province of Ontario requesting that Metropolitan Toronto's petition be refused. In this submission, it was argued that the applicant failed to adduce evidence before the Board which established the exact nature and purpose of the proposed undertaking. Consequently, Metropolitan Toronto had failed to demonstrate that the particular project was necessary and expedient and thus the OMB could not approve the undertaking pursuant to its statutory powers.

This was not acceeded to by the Cabinet, with the above-mentioned Order-in-Council for a rehearing.

3. CURRENT STATUS OF THE SCARBOROUGH TRANSPORTATION CORRIDOR

The alignment of a Scarborough Transportation Corridor within the City of Toronto was not incorporated into Metroplan. Beyond the City, the Corridor is shown in Metroplan but has been specifically deferred by the Minister of Housing for further consideration, pursuant to Section 14(3) of the Planning Act, and is therefore not yet a part of the approved Metroplan.

The use of the corridor has not been specified, and a further OMB hearing will be required when a specific use is sought by Metro.

There is no corridor, or any reference thereto, in the City of Toronto Official Plan.

4. CURRENT TRANSPORTATION NEEDS

Since 1978, Metro and the TTC have undertaken the Accelerated Rapid Transit Study (ARTS) on which I commented in my report of the 20th January 1983. Although an ICTS line was proposed in ARTS running along the rail corridor from Union Station to Greenwood Avenue, this was considered as a relief to the Yonge line, and did not of itself represent an expression of direct demand along the Scarborough Transportation Corridor.

As a corollary of this study, a Roads System Review has been undertaken to examine the future auto demand in Metro. No reports have yet been published. However, references to auto demand in the text of the ARTS report make no mention of growth to the east, and the screenline comparisons (1979-1991) therein showed insignificant increase to the east.

It is thus concluded that there has been no new argument produced since the previous OMB hearing that would support the need for the Scarborough Transportation Corridor in terms of regional travel demand. No new reports by Metro have been received on this issue since the 1978 OMB hearing.

5. GENERAL ASSESSMENT

5.1 Metro Concern

The City has not been directly informed of the reason for the application at this time, but it is understood that at least two properties within the corridor are the subject of development applications. Metro clearly does not have the authority to purchase these properties without OMB authorization, but neither does it want to see the Scarborough Transportation Corridor obstructed by new developments. It is estimated that approximately one third of the properties that are within by the corridor have still to be acquired.

The argument put forward for the retention of the corridor has been one of keeping an option open. It is understood that no definite transit or road uses have as yet been defined for it. Nevertheless the possible local needs for transit, and possible limited access routes are apparently considered sufficient justification by Metro for maintaining a corridor whose initial alignment was determined as part of a regional expressway system.

5.2 City-Owned Properties which May Affect Development of the Corridor

As there is no part of the Scarborough Transportation Corridor within the City, there are in effect no City-owned lands which could be included within the Corridor. However, consideration may be given to future extension of the Corridor westward into the City. Development occurring on City-owned lands along possible routes of such extension may well affect the options open for development of the Corridor itself. As such development occurs, it becomes difficult to conceive of an extended corridor unless a new and expensive land acquisition program were to be initiated.

In the absence of a demonstrated need for a transportation corridor in this part of the City, the most appropriate course of action is to continue to encourage normal development in a fashion that is compatible with the existing City land use policies.

5.3 Corridor Description

In the 1973 De Leuw Cather study on the Corridor, results of which were incorporated into the MTTPR reports, a 45 metre. CNR proposed

ROW was shown. The CNR ROW presently varies in width, approximately 24 metres to 45 metres. The future plans for GO expansion and VIA and CN plans may require a ROW in excess of the existing. This matter has to be further investigated and clarification sought as to the actual width of the Scarborough Transportation Corridor and its relation to the width of the CNR ROW existing and any proposed.

6. CONCLUSION

As far as can be discerned, this present Metro application to the OMB is not accompanied by any new evidence for the need or use of the Scarborough Transportation Corridor. Recent transportation studies have not shown any emerging auto demand. Further, the existing CNR corridor has not been shown to be incapable of handling future transit demand.

Consequently there is no evidence to suggest the City of Toronto should change its previous stance in opposing the Corridor and seeking its removal from the Metroplan. However, because there are several points that need clarification, it is considered appropriate to seek further information from Metro.

7. RECOMMENDATIONS

1. That City Council request specific information from the Metropolitan Council concerning the Scarborough Transportation Corridor, and its recent application to the OMB for a hearing, namely:

   - The reason for this new application being made at this time.

   - The exact details, in terms of alignment and width, that make up the Scarborough Transportation Corridor, including the CNR ROW

   - The list of properties involved, both to be sold, and to be acquired.

   - The transportation demands that the corridor could be used to meet.

2. That the Commissioner of Planning and Development in consultation with the City Solicitor prepare a brief in objection to the Metropolitan Toronto application to the OMB as detailed herein.

Stephen O. McLaughlin
Commissioner

SS:jp